

AFFIDAVIT

1) AFFIANT/AGENT.

I, Nathan Adams, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection, have been employed by the USBP/CBP for approximately 19 years and am currently assigned to the Grand Forks Sector Prosecution Unit.

Your affiant has reason to believe that SANDOVAL-Baltazar, Rodrigo (DOB: XX/XX/2001, COB: Mexico), illegally reentered the United States after being removed in violation of 8 U.S.C. § 1326(a)(1).

2) INITIAL ENCOUNTER.

On May 14, 2025, at approximately 6:15 PM, Officer Mitchell of the New Town Police Department contacted the Portal Border Patrol Station for assistance. Border Patrol Agent (BPA) Labatore contacted the officer telephonically to provide the requested assistance. Officer Mitchell stated that she encountered a single subject during a traffic stop for unsafely maintaining a lane on Highway 23 and Main St., in New Town, North Dakota. The driver, identified as SANDOVAL-Baltazar, Rodrigo, presented a Mexican Passport as his only means of identification and had difficulty communicating with the officer in the English language.

BPA Labatore conducted record checks on the subject's biographical information. Record checks showed that SANDOVAL had been previously removed from the United States. No records could be found to indicate SANDOVAL had any current immigration documents allowing him to reside, pass through, or remain in the United States legally.

BPA Labatore requested to speak with SANDOVAL telephonically. Upon speaking with SANDOVAL, BPA Labatore identified himself as a United States Border Patrol Agent and conducted an immigration inspection in the Spanish language. SANDOVAL stated that he was a citizen and national of Mexico and that he had no documentation allowing him to remain in the United States.

Based on the results of the record checks and immigration inspection, BPA Labatore requested that Officer Mitchell hold SANDOVAL until a Border Patrol Agent could respond and take custody. On May 14, 2025, at approximately 10:30 PM, Border Patrol Agent (BPA) Kluczek arrived at the Mountrail County Corrections Center in Stanley, North Dakota, placed SANDOVAL into Border Patrol custody, and then transported him to the Portal Border Patrol Station for processing.

3) POST ARREST INVESTIGATION.

Upon arriving at the Portal Border Patrol Station, SANDOVAL was enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned with a positive immigration history showing that the subject had been removed (2) prior times.

SANDOVAL is a citizen and national of Mexico.

4) IMMIGRATION HISTORY:

1. Date: June 12, 2024
Agency: U.S. Border Patrol – Santa Teresa, New Mexico
Charge: INA 212(a)(7)(A)(i)(I) - Immigrant Without an Immigrant Visa
Disposition: Expedited Removal. SANDOVAL was removed to Mexico on June 12, 2024, at El Paso, Texas.
2. Date: June 13, 2024
Agency: U.S. Border Patrol – Santa Teresa, New Mexico
Charge: INA 212(a)(9)(A)(ii) - Alien Previously Removed Once, Not As An Arriving Alien (Not Aggravated Felons)
Disposition: Reinstatement. SANDOVAL was removed to Mexico on June 14, 2024 through the Paso Del Norte Bridge, Texas, Bridge.

5) CRIMINAL HISTORY:

None.

6) MIRANDA RIGHTS/CONSULAR NOTIFICATION.

On May 15, 2025, BPA Labatore witnessed by BPA Kluczek notified SANDOVAL of his Miranda Rights per Service Form I-214. SANDOVAL acknowledged his rights and refused to give a sworn statement.

BPA Labatore notified SANDOVAL of his right to consular communication. SANDOVAL requested to speak to a consular official of his native country of Mexico at that time. SANDOVAL spoke with a consular official at 9:49 AM on May 15, 2025.

No record could be found to indicate that SANDOVAL has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

In my experience, the above facts constitute a violation of 8 U.S.C. § 1326(a)(1).

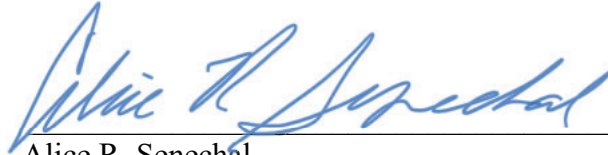
The foregoing is true and correct to the best of my knowledge and belief.



Nathan Adams
United States Border Patrol Agent

Chicago, IL

Sworn before me, this 15th day of May 2025, in ~~Grand Forks, North Dakota~~, through reliable electronic means.



Alice R. Senechal
United States Magistrate Judge